IN RE: PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
S/S Ridge Avenue, 330' E of Summit Avenue	*	DEPUTY ZONING COMMISSIONER
13th Election District	*	OF BALTIMORE COUNTY
1st Councilmanic District (4321 Ridge Avenue)	*	CASE NO. 00-483-SPHA
Linda Orr Petitioner	*	

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owner of the subject property Linda Orr. The special hearing request is to allow construction of a garage on a vacant lot. In addition, the Petitioner is requesting a variance to allow the garage to have a height of 20 ft. in lieu of the required 15 ft.

Appearing at the hearing on behalf of the special hearing and variance requests were Linda Orr and her son, Don Orr. Joe Memmel, the contractor hired to construct the garage, was also in attendance. There were no protestants at the hearing.

Testimony and evidence indicated that the property, which is the subject of this special hearing and variance request, consists of 6090 sq. ft., more or less, and is improved with a garage. Mrs. Orr lives on the adjacent lot which is improved with a two-story dwelling. She has lived on the subject property for the past 30 years. In addition, the garage, which is proposed to be torn down, has been on the property for 30 years. The garage has deteriorated and the Petitioner now desires to tear down the old garage and construct a new garage in its place. In order to proceed with her plans, the special hearing and variance requests are necessary.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing is not granted. It has been

established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and her property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED this 7th day of July, 2000, by this Deputy Zoning Commissioner, that the Petitioner's request for special hearing from Section 500.7 of the Baltimore County Zoning Regulations, to allow construction of a garage on a vacant lot, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner or subsequent owners shall not allow or cause the garage to be converted to a second dwelling unit and/or apartment. The structure shall contain no living or sleeping quarters, and no kitchen or bathroom facilities. In addition, the accessory structure should not be used for commercial purposes.

3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED, that the variance request from Section 400.3 of the Baltimore County Zoning Regulations, to allow the garage to have a height of 20 ft. in lieu of the required 15 ft., be and is hereby GRANTED.

IT IS FURTHER ORDERED, that any appeal of this decision must be filed within thirty (30) days of the date of this Order.

Timothy Kotroco

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 7/7/00
By R. Jameson

Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

June 7, 2000

Ms. Linda Orr
4321 Ridge Avenue
Baltimore, Maryland 21227

Re: Petition for Special Hearing & Variance
Case No. 00-483-SPHA
Property: 4321 Ridge Avenue

Dear Ms. Orr:

Enclosed please find the decision rendered in the above-captioned case. The Petitions for Special Hearing and Variance have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy Kotroco

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

C: Mr. Joe Memmel
JJM Home Improvement, Inc.
2600 Cabover Drive, Suite H
Hanover, Maryland 21076

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 4321 RIDGE AVE.

which is presently zoned DR 5.5

This **Petition shall be filed with the Department of Permits and Development Management.** The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve CONSTRUCTION OF AN ACCESSORY STRUCTURE (GARAGE) ON A VACANT LOT.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature N/A

Address Telephone No

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature N/A

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

LINDA OFR

Name - Type or Print

Signature

N/A

Name - Type or Print

N/A

Signature

4321 RIDGE AVE (410) 242-6475

Address Telephone No

Balto MD 21227

City State Zip Code

Representative to be Contacted:

JIM HOME IMP INC / JOE MEHMEL

Name

2600 CABINER DR. STE H (410) 760-2633

Address Telephone No.

HANOVER MD 21076

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 HR

UNAVAILABLE FOR HEARING

Reviewed By JL Date 5/18/00

Case No. 00-483-SPHA

ORDER RECEIVED FOR FILING

Date 5/7/00

By

Date 9/15/98

483

ZONING DESCRIPTION FOR: 4321 Ridge Avenue

Beginning at a point on the south side of Ridge Avenue which is 50 feet wide

at the distance of 330 feet east of the centerline of the nearest improved intersecting

street Summit Avenue. Being lot #[redacted]549 in the subdivision of Halethorpe as

recorded in Baltimore County Plat Book #1, Folio #60, containing ~~13,176.6~~ 6,090 square feet.

Also known as 4321 Ridge Avenue and located in the 13th Election District,

1st Councilmanic District.

00-483-SPHA

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

JL A83

No. 081338

DATE 5/18/00

ACCOUNT R001650

AMOUNT $100.00

RECEIVED FROM: OKR.

FOR: SPHA $50.00 PKH FOR 2 INTERIORS

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PAYMENT ACTUAL TIME
5/18/2000 5/18/2000 09:48:27
MISC CASHIER DROP OFF DROPOFF
DEPT 5 550 ZONING VERIF LOCATION
RECEIPT # 13671 BLN
CR ID. 081338
PAYMENT TOTAL 100.00
100.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #00-483-SPHA
4321 Ridge Avenue S/S Ridge Avenue 330' E of Summit Avenue
13th Election District – 1st Councilmanic District
Legal Owner(s): Linda Orr

Hearing: Thursday, July 6, 2000 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204

Special Hearing: to permit construction of an accessory structure (garage) on a vacant lot. **Variance:** to permit an accessory structure (a proposed garage) with a height of 20 feet in lieu of 15 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For Information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/6/690 June 20 C399460

CERTIFICATE OF PUBLICATION

TOWSON, MD, 6/22/, 2000

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/20/, 2000.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

[redacted]

CERTIFICATE OF POSTING

RE: Case No.: 00-483-SPHA

Petitioner/Developer:

LINDA ORR

Date of Hearing/Closing: 7-6-2000

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at

#4321 RIDGE AVENUE

The sign(s) were posted on JUNE 20, 2000
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

9/96
cert.doc

RE: PETITION FOR SPECIAL HEARING PETITION FOR VARIANCE 4321 Ridge Avenue, S/S Ridge Ave, 330' E of Summit Ave 13th Election District, 1st Councilmanic	* * *	BEFORE THE ZONING COMMISSIONER FOR
Legal Owner: Linda Orr Petitioner(s)	* *	BALTIMORE COUNTY Case No. 00-483-SPHA

* * * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of June, 2000 a copy of the foregoing Entry of Appearance was mailed to Joe Memmel, JJM Home Improvement, Inc., 2600 Cabover Drive, Suite H, Hanover, MD 21076, representative for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

June 14, 2000

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 00-483-SPHA
4321 Ridge Avenue
S/S Ridge Avenue, 330' E of Summit Avenue
13th Election District – 1st Councilmanic District
Legal Owner(s): Linda Orr

HEARING: Thursday, July 6, 2000 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204.

Special Hearing to permit construction of an accessory structure (garage) on a vacant lot. Variance to permit an accessory structure (a proposed garage) with a height of 20 feet in lieu of 15 feet.

Arnold Jablon
Director

C: Linda Orr, 4321 Ridge Avenue, Baltimore, MD 21227
Joe Memmel, JJM Home Improvement, 2600 Cabover Dr., Hanover MD 21076

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JUNE 21, 2000**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
June 20, 2000 Issue – Jeffersonian
Please forward billing to:
Ms. Linda Orr
4321 Ridge Avenue
Halethorpe, MD 21227
410-242-6445

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 00-483-SPHA
4321 Ridge Avenue
S/S Ridge Avenue, 330' E of Summit Avenue
13th Election District – 1st Councilmanic District
Legal Owner(s): Linda Orr

HEARING: Thursday, July 6, 2000 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204.

Special Hearing to permit construction of an accessory structure (garage) on a vacant lot. Variance to permit an accessory structure (a proposed garage) with a height of 20 feet in lieu of 15 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 00483-SPHA

Petitioner: LINDA ORR

Address or Location: 4321 RIDGE AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: LINDA ORR

Address: 4321 RIDGE AVE
Halthorpe MD, 21227

Telephone Number: (410) 242-6445

Revised 2/20/98 - SCJ

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 30, 2000

Mr. Joe Memmel
JJM Home Improvement, Inc.
2600 Cabover Drive, Ste H
Hanover MD 21076

Dear Mr. Memmel:

RE: Case Number 00-483-SPHA , 4321 Ridge Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 05/18/00.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Sincerely,

W. Carl Richards Jr. / RJ

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:rsj

Enclosures

c: Linda Orr

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: July 14, 2000

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 5, 2000
Item Nos. 477, 478, 479, 480, 481, 482,
483, 485, 486, 487, and 488

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZAC-6-5-2000-NO COMMENT ITEMS.doc

Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

June 2, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF May 29, 2000

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

477, 478, 479, 480, 482, ~~483,~~ 485, 487, and 488

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

7/6
Sim

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: June 8, 2000

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

JUN - 8

SUBJECT: Zoning Advisory Petitions - **Case 483**

The Office of Planning supports the applicant's request subject to the following conditions:

1. The petitioner or subsequent owners shall not allow or cause the accessory structure to be converted to a second dwelling unit or apartment;
2. The structure shall contain no sleeping quarters, living, kitchen or bathroom facilities; and,
3. The accessory structure should not be used for commercial purposes.

Should there be any further questions, or if this office can provide any additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: _____

Section Chief: _____

AFK/JL: MAC

A:\483.doc

Case Number _____

PLEASE ***PRINT*** LEGIBLY

PETITIONER'S SIGN-IN SHEET

Name	Address	City, State	Zip Code

Revised 4/17/00

Linda Orr
Don Orr
Joe Memmel

Old Garage on it now
Owned for 30 yrs
House is next to it lived on prop for 30 yrs

Tear down old Garage build now

- No Apt
- No comercial Activities

Plat to accompany Petition for Zoning ✓ Variance ✓ Special Hearing

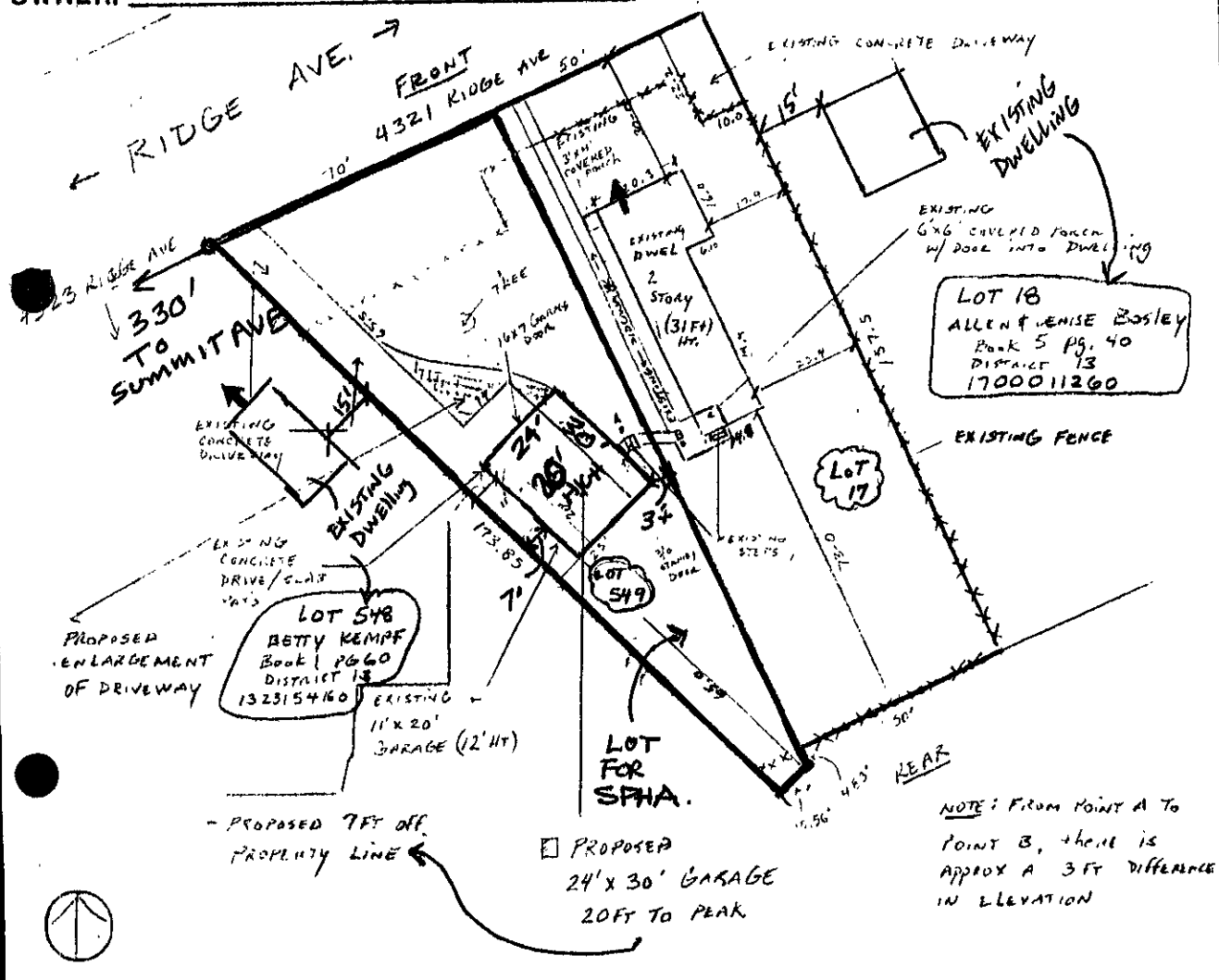
see pages 5 & 6 of the CHECKLIST for additional required information

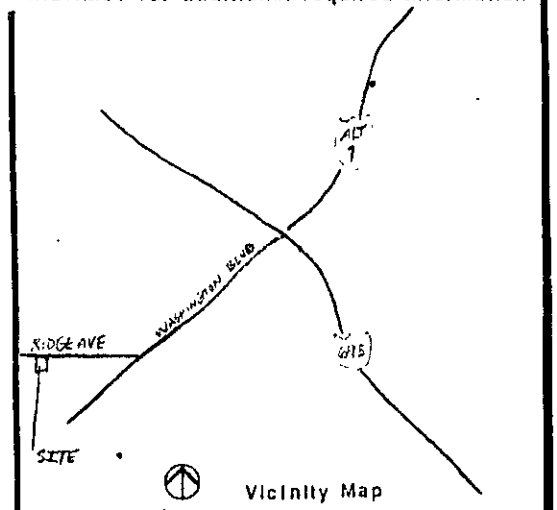
PROPERTY ADDRESS: 4321 RIDGE AVE

Subdivision name: HALETHORPE

plat book# 1 ,folio# 60 ,lot# 549 ,section# D

OWNER: LINDA ORR





Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: 13th

Councilmanic District: 1st

1"=200' scale map#: SW 6-D

Zoning: DR 5.5

Lot size: ~~34,000~~ acreage 6090 ~~15,176~~ square feet

(~~BOTH CONTIGUOUS~~)

	public	private
SEWER:	X	
WATER:	X	

	yes	no
Chesapeake Bay Critical Area:		X

Prior Zoning Hearings: NONE

SITE NOT IN A 100 YEAR FLOOD PLAIN

Zoning Office USE ONLY!

reviewed by:	ITEM #:	CASE#:
JL	483	

North

date: 5/8/00

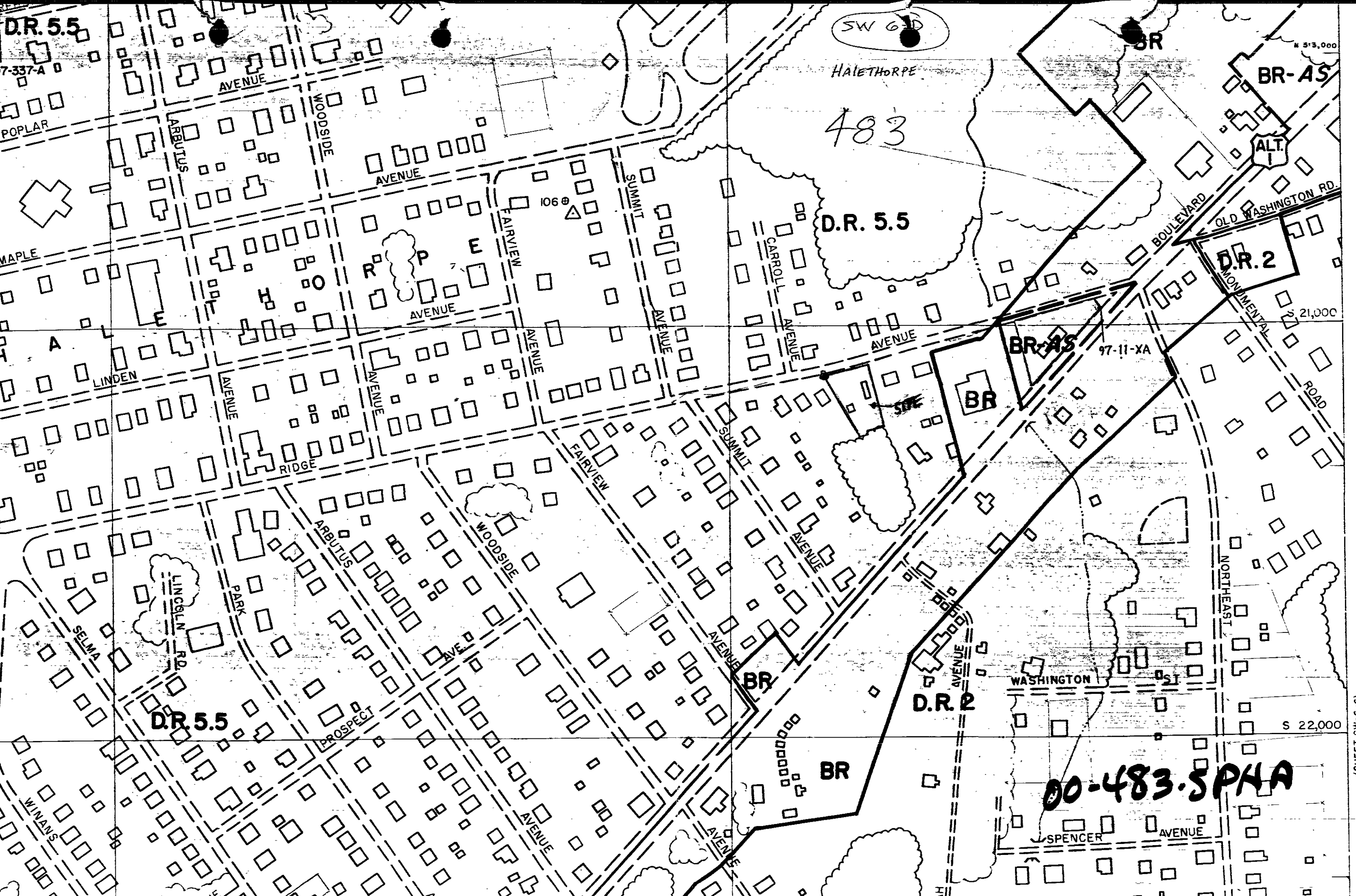
prepared by: JJM, Home Imp. (JOE MEMMEL)

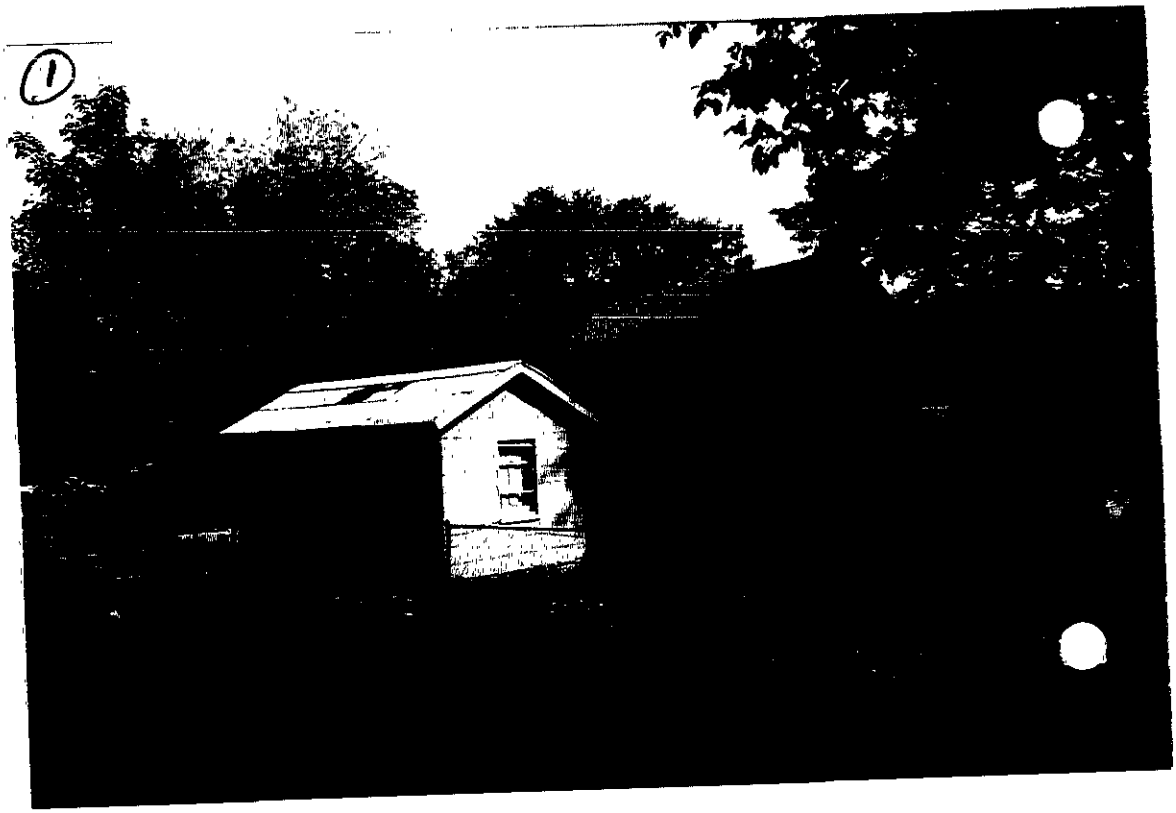
Scale of Drawing: 1"= 40'

Pet Ex #1

00-483-SPHA

-15-


D.R. 5.5
7-337-A
POPLAR
AVENUE
ARBUTUS
WOODSIDE
MAPLE
LINDEN
RIDGE
PARK
SELMA
LINCOLN RD.
PROSPECT
WINANS
FAIRVIEW
SUMMIT
CARROLL
106
SW 6
HALETHORPE
483
D.R. 5.5
BR
BR-AS
ALT. 1
BOULEVARD
OLD WASHINGTON RD.
D.R. 2
MONUMENTAL
ROAD
97-11-XA
SITE
NORTHEAST
WASHINGTON
SPENCER
N 513,000
S 21,000
S 22,000
00-483-SPHA
(SHEET SW-6-C)


1